

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

TOM GLASPIE, an individual, and SK1,
LLC, a Washington limited liability
company,

CASE NO. C18-6016RJB

ORDER DENYING PLAINTIFFS' MOTION TO COMPEL

Plaintiffs,

AMERICAN MODERN SELECT
INSURANCE COMPANY, foreign insurer,

Defendant.

THIS MATTER comes before the Court on plaintiffs' Motion to Compel (Dkt. 13). The court is familiar with the records and files herein and all documents filed in support of and in opposition to the motion. For the reasons stated below, it appears that the motion should be denied.

Plaintiffs ask the court to compel defendant to submit its entire claims file on the plaintiffs' insurance claim against the defendant on the basis of *Cedell v Farmers Ins. Co. of Wash.* 176 Wash.2d 686 (2013). *Cedell* stands for the proposition that there is a presumption of no

1 attorney-client privilege in an insurance claims file, but allowed that presumption could be
2 overcome by a showing that the company's attorney "was not engaged in the quasi-fiduciary
3 tasks of investigating and evaluating or processing the claim, but instead in providing the insurer
4 with counsel as to its own potential liability; for example, whether or not coverage exists under
5 the law."

6 In defendants' Brief in Opposition to Plaintiffs' Motion to Compel (Dkt. 18), the
7 defendant satisfactorily showed that the portions of the claim file withheld are well within the
8 attorney-client privilege, regardless of whether the court follows *Cedell* or the more general
9 federal rule.

10 The brief was not under oath but was signed by counsel Craig H. Bennion. Under Rule
11 of Civil Procedure 11(b), Mr. Bennion's signature is sufficient to justify the court's reliance on
12 his statements in the Opposition to Plaintiffs' Motion to Compel.

13 Accordingly, the Motion to Compel should be, and is hereby, DENIED, and the court
14 DECLINES to award fees.

15 IT IS SO ORDERED.

16 The Clerk is directed to send uncertified copies of this Order to all counsel of record and
17 to any party appearing *pro se* at said party's last known address.

18 Dated this 25th day of April, 2019.

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21 ROBERT J. BRYAN
United States District Judge
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